REMARKS

The application has been reviewed in light of the Office Action dated October 7, 2003. Claims 1-50 are pending in this application, with claims 1, 25, 45, 46, 49 and 50 being in independent form. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Claims 1-7, 12, 13, 17, 24-27, 29, 31, 40, 44-50 were rejected under 35 U.S.C § 102(e) as allegedly anticipated by U.S. Patent 6,182,110 to Barroux. Claims 8, 14, 15, 18, 20, 21, 28-30 and 32-35 were rejected under 35 U.S.C. §103(a) as allegedly obvious from Barroux in view of U.S. Patent 5,781,908 to Williams et al. Claims 10, 11 and 36 were rejected under Section 103(a) as allegedly obvious from Barroux in view of U.S. Patent 6,160,988 to Shroyer. Claims 16 and 41 were rejected under Section 103(a) as allegedly obvious from Barroux in view of U.S. Patent 6,323,882 to Jerome et al. Claims 22, 42 and 43 were rejected under Section 103(a) as allegedly obvious from Barroux in view of U.S. Patent 5,819,263 to Bromley et al. Claim 23 was rejected under Section 103(a) as allegedly obvious from Barroux in view of Bromley et al. and U.S. Patent 5,537,550 to Russell et al. Claims 37-39 were rejected under Section 103(a) as allegedly obvious from Barroux in view of Russell et al. Applicants have carefully considered the Examiner's comments and the cited art, and respectfully submit independent claims 1, 25, 45, 46, 49 and 50 are patentably distinct from the cited art, for at least the following reasons.

Independent claim 1 relates to a job scheduling device for scheduling jobs to run on at least one node of at least one computing platform. The device comprises an enterprise scheduling agent installed on each node and configured to launch execution of jobs submitted to the agent, a presentation system configured to accept and validate parameters identifying at least one job to be submitted for execution on at least one of the nodes and a job scheduler

configured to allocate at least one job to at least one enterprise scheduling agent based on the parameters and to submit the allocated jobs to the at least one enterprise scheduling agent.

Barroux, as understood by Applicants, relates to a system for scheduling tasks on a network. A user can schedule node-specific survey tasks across the network without specifying particular times for each node. However, Barroux is not understood to teach or suggest a device for scheduling jobs to run on nodes comprising a scheduling agent installed on each node and configured to launch execution of jobs submitted to the agent, a presentation system configured to accept and validate parameters identifying at least one job to be submitted for execution on at least one of the nodes and a job scheduler configured to allocate at least one job to at least one enterprise scheduling agent based on the parameters and to submit the allocated jobs to the at least one enterprise scheduling agent, as recited in independent claim 1.

For example, Barroux is not understood to teach or suggest a device for scheduling jobs to run on nodes comprising a <u>scheduling agent installed on each node and configured to launch execution of jobs submitted to the agent</u>. The Office Action contends that Barroux teaches "each node having an agent configured to launch execution of jobs submitted to the agent (e.g. col. 3, line 43 – col. 4, line 30 & col. 11, line 60 – col. 12, line 41). Quoting Barroux, 'These agents must be installed on hosts 218,' (e.g. col. 11, line 67)."

The portions of Barroux cited in the Office Action discusses "SNMP management agents" and "RPC agents." The portions of Barroux cited in the Office Action also discuss the execution of "discovery tasks."

According to Barroux, SNMP management agents reside on nodes and are used by an SNMP probe system to collect information (*see* col. 3). Similarly, the RPC agents are installed on hosts and facilitate the collection of information. "Once these agents are

installed, RPC probe system invokes the agents to collect the detailed configuration information." (col. 4). However while the SNMP agents and RPC agents of Barroux may reside on nodes, they are *not* scheduling agents, they are SNMP agents and RPC agents respectively. Furthermore, neither the SNMP agents nor the RPC agents of Barroux appear to be configured to launch execution of jobs submitted to the agent. The SNMP agents and the RPC agents of Barroux instead facilitate the collection of information.

The Office Action suggests that the execution of tasks on selected nodes as discussed in Barroux corresponds to the execution of jobs according to the present application. However, even if for arguments sake this where the case, independent claim 1 recites that it is the scheduling agent installed on each node that is configured to launch execution of jobs submitted to the agent. In Barroux, the SNMP agents and/or the RPC agents do not execute the tasks. "Administrative database stores data that defines discovery tasks performed by integrated resources on network and returns that information to asset database" (emphasis added, col. 4, lines 16-18). As seen on Barroux Fig. 2, it is the integrated resources (200) which are separate and distinct from the agents shown (224-228) which perform tasks.

Therefore Barroux does not appear to teach or suggest a scheduling agent installed on each node and configured to launch execution of jobs submitted to the agent. The agents discussed in Barroux are SNMP agents and RPC agents and not scheduling agents, and are not configured to launch tasks.

Accordingly, Applicant submits independent claim 1 is patentably distinct from the cited art. Independent claims 46, 49 and 50 are believed to be patentably distinct for at least similar reasons.

Referencing claim 25, the Office Action contends that Barroux teaches "a method of scheduling jobs across multiple networked computing platforms, comprising: determining at

least one job based on job parameters for at least one job to be scheduled, (e.g. col. 3, line 60 – col. 4, line 30 & col. 18, line 40 – col. 19, line 67); sending said at least one job to at least one scheduling agent maintained on a selected nodes of said computer platforms, (e.g. col. 4, line 66 – col. 5, line 44 & cols. 7-8); and executing each job on the selected node under management of said scheduling agent, (e.g. col. 3, line 42 – col. 4, line 30 & cols. 7 – 8).

Barroux is not understood by the Applicants to teach or suggest the subject matter recited in claim 25. For example, Barroux is not understood to teach or suggest "executing each job on the selected node under management of said scheduling agent." As stated above, the SNMP agents and the RPC agents of Barroux are understood to facilitate the collection of information. The execution of tasks in Barroux is carried out by the integrated resources, for example by the resource engine. The integrated resources of Barroux appear to be a separate and distinct entity from the SNMP agents and the RPC agents (see Barroux Fig. 2) a nd the integrated resources do not appear to be on each node. . Additionally, while Barroux utilizes a task scheduler and SNMP/RPC agents, the task scheduler is not an agent and the SNMP/RPC agents are not task schedulers. There does not appear to be any t eaching or suggestion of a scheduling *agent* in Barroux. Therefore Barroux does not appear to teach or suggest executing each job *on the selected node* under management of the *scheduling agent*.

Independent claim 45 is believed to be patentably distinct for at least reasons similar to claim 25.

The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.
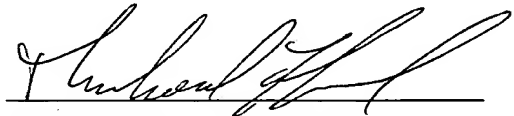
If a petition for an extension of time is required to make this response timely, this

paper should be considered to be such a petition, and the Commissioner is authorized to

charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the

Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,

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